

CITY OF DELTA, UTAH  
REGULAR CITY COUNCIL MEETING  
JUNE 17, 2004

PRESENT

Gayle Bunker  
Robert Banks  
Margaret Dutson  
Glen Swalberg

Mayor  
Council Member  
Council Member  
Council Member

ABSENT

Wesley Bloomfield  
Bruce Curtis

Council Member  
Council Member

ALSO PRESENT

Richard Waddingham  
Ken Clark  
Judy Sabey  
Gregory Schafer  
Suzanne Clark

City Attorney  
Asst. Public Works Director  
City Treasurer  
City Recorder  
Fourth of July Celebration Chairperson

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building and had been provided to the Millard County Chronicle/Progress and to each member of the City Council at least two days prior to the meeting. City Recorder Gregory Schafer acted as secretary.

Council Member Margaret Dutson offered opening remarks following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Robert Banks MOVED to approve the accounts payable dated June 17, 2004 in the amount of \$32,874.85. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

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There were no items of unfinished business on the agenda.

NEW BUSINESS

COUNCIL MEMBER ROBERT BANKS: REQUEST FOR ZONE CHANGE FROM I-D (INDUSTRIAL DEVELOPMENT) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) ON PROPERTY LOCATED AT APPROXIMATELY 295 NORTH 500 WEST

Council Member Robert Banks advised the Council that Mr. Stephen Bowes had appeared before the Planning & Zoning Commission requesting a zone change on his property located at approximately 295 North 500 West. Mr. Bowes' residence is currently located in an area zoned Industrial Development, which allows only commercial and light industrial uses. Mr. Bowes would like to change the zone to R-4, Multiple Family Residential, in order to construct a second home on the property. The Multiple Family Residential designation would be the same as the property across the street to the east, which was changed from Industrial Development to R-4 several years ago.

Council Member Margaret Dutson MOVED to set a public hearing on Thursday, July 15, 2004 at 6:45 p.m. for the purpose of receiving public comment regarding the proposed zone change from I-D (Industrial Development) to R-4 (Multiple Family Residential) on property located at approximately 295 North 500 West. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: PROPOSED DELTA CITY WATER CONSERVATION PLAN

Mayor Bunker stated that a public hearing had been held prior to this meeting for the purpose of receiving public comment regarding the proposed Delta City Water Conservation Plan with no objections being received. City Attorney Richard Waddingham reviewed the following resolution:

RESOLUTION NO. 04-290

A RESOLUTION ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF  
DELTA, UTAH

Council Member Glen Swalberg MOVED to adopt Resolution No. 04-290, a resolution adopting a water conservation plan for the City of Delta, Utah. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The vote was as follows:

Robert Banks

Yes

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Wesley Bloomfield	Absent
Bruce Curtis	Absent
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

MAYOR GAYLE BUNKER: PROPOSED DELTA CITY FINAL BUDGET FOR FISCAL YEAR 2004-2005

Mayor Bunker stated that a public hearing had been held just prior to this meeting for the purpose of receiving public comment regarding the proposed Delta City Final Budget for Fiscal Year 2004-2005, with no negative comment being received. The proposed Final Budget totals \$3,398,686, a 2.8% increase over the current year. Mayor Bunker stated that the budget would be adopted by the following Resolution:

RESOLUTION NO. 04-291

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF DELTA, UTAH FOR THE FISCAL YEAR BEGINNING JULY 1, 2004

Council Member Margaret Dutson MOVED to adopt Resolution No. 04-291, a resolution adopting a final budget for the City of Delta, Utah for the fiscal year beginning July 1, 2004. The motion was SECONDED by Council Member Robert Banks. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The vote was as follows:

Robert Banks	Yes
Wesley Bloomfield	Absent
Bruce Curtis	Absent
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

MAYOR GAYLE BUNKER: PROPOSED ORDINANCE OF THE CITY OF DELTA, UTAH APPROVING A UNIFORM LOCAL AGREEMENT WITH THE UTAH STATE TAX COMMISSION; ESTABLISHING A TAX ON GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS; SETTING THE RATE OF SUCH TAX; ESTABLISHING A PROCEDURE FOR TAXES ERRONEOUSLY RECOVERED FROM CUSTOMERS AND ESTABLISHING THE EFFECTIVE DATE OF THE TAX

City Attorney Richard Waddingham reviewed the following ordinance:

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## ORDINANCE NO. 04-214

AN ORDINANCE OF THE CITY OF DELTA, UTAH APPROVING A UNIFORM  
INTERLOCAL AGREEMENT WITH THE UTAH STATE TAX COMMISSION;  
ESTABLISHING A TAX ON THE GROSS RECEIPTS OF TELECOMMUNICATIONS  
SERVICE PROVIDERS; SETTING THE RATE OF SUCH TAX; ESTABLISHING A  
PROCEDURE FOR TAXES ERRONEOUSLY RECOVERED FROM CUSTOMERS AND  
ESTABLISHING THE EFFECTIVE DATE OF THE TAX

City Attorney Waddingham advised the Council that this ordinance had been adopted at the previous Council meeting. However, state law requires that the ordinance contain a provision regarding the erroneous collection of taxes. Inasmuch as the ordinance adopted at the previous meeting had not been published, it did not become effective. Therefore, this ordinance, which includes the provision for the erroneous collection of taxes and a provision approving a Uniform Interlocal Agreement with the Utah State Tax Commission, will replace the previous Ordinance No. 04-214 passed on June 3, 2004.

Council Member Glen Swalberg MOVED to adopt Ordinance No. 04-214, an ordinance of the City of Delta, Utah approving a Uniform Interlocal Agreement with the Utah State Tax Commission; establishing a tax on the gross receipts of telecommunications service providers; setting the rate of such tax; establishing a procedure for taxes erroneously recovered from customers and establishing the effective date of the tax. The motion was SECONDED by Council Member Robert Banks. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The vote was as follows:

Robert Banks	Yes
Wesley Bloomfield	Absent
Bruce Curtis	Absent
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

SUZANNE CLARK, FOURTH OF JULY CELEBRATION CHAIRPERSON: FOURTH OF JULY  
CELEBRATION PLANS

Suzanne Clark, Delta City Fourth of July Celebration Chairperson, approached the Council to discuss plans for the celebration this year. Mrs. Clark felt that renting the inflatable giant slide, obstacle course and climbing wall was a great idea and would bring additional interest to activities in the park. She expressed concern, however, regarding the effect free usage of those items would have on those groups which come to our celebration every year to provide fun and games as fund raisers. She was concerned that having the free entertainment would take funds away from those

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who provide the game booths for our celebration every year. Many of those individuals and groups have invested their own funds in the booths and we need to offer them the opportunity of making at least enough to cover their investment. Mrs. Clark felt that perhaps there should be some charge for the inflatables and climbing wall, even if it is a minimal charge, in order to ensure that those who support us each year are not negatively impacted by the free entertainment.

Council Members agreed that they did not want to provide free use of the inflatables and climbing wall if it caused a problem for local vendors. They discussed charging a fee of \$2.00 for a wristband which would allow unlimited use of the items, but expressed concern as to whether individuals could be found to sell wristbands and monitor use of the equipment. Council Member Robert Banks will work with Mrs. Clark to find individuals willing to sell wristbands and act as monitors for the inflatable slide, obstacle course and climbing wall.

#### PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

In the absence of Public Works Director Alan Riding, Assistant Public Works Director Ken Clark advised the Council that water is now running through the new water feature in the City Park. Signs are being made to warn against climbing on the rocks supporting the waterfall. There is still some grading and clean up work to be done on the project, as well as pathways to be constructed. The next part of the project involves running sprinkler pipe to water trees and shrubs which will be planted later. Pathway and stream lights will be added, as well as flood lighting on the waterfall.

Assistant Public Works Director Clark reported that the Public Works crew is preparing to chip seal streets in White Sage Subdivision beginning on Monday. The men have been working on filling potholes in streets.

Council Members discussed placing a speed limit sign on 450 South, referred to as the "canal road."

Assistant Public Works Director Clark noted that this is the first week of the ten hour day / four day work week for City employees. He reported that there have been no problems but the Public Works crew has found that they are able to complete more small problems, such as water leaks which occur in mid-afternoon.

Assistant Public Works Director Clark told the Council that the base radio which was approved at the previous meeting has been installed and is being used in the City Office.

Margaret Dutson asked if anything is being done about all of the vehicles on the corner lot of 100 West and Main Street. City Attorney Waddingham stated that many of the vehicles belong to another party who has apparently moved them from his property to the Main Street property. City Attorney Waddingham will be taking action to see that the vehicles are moved from the Main Street property.

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Assistant Public Works Director Clark reported that Duckwall-Alco plans to begin construction by the end of June on a discount variety store to be located at the intersection of Highway 6 and Main Street.

#### OTHER BUSINESS

Mayor Bunker reported that we have received the contracts for the skate park grant. City Attorney Waddingham has reviewed the contract and it is ready to be signed and returned to the Division of Parks and Recreation. Delta City has been approved for \$109,200, of which we will receive \$100,800, with the balance being retained by the State for administrative costs. Construction on the skate park will begin later this summer and will probably be complete by early October.

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Mayor Bunker questioned City Attorney Waddingham about the legality of McDonalds charging 6.25% sales tax when the sales tax rate in Delta is 5.75%. City Attorney Waddingham stated that the Utah State Tax Commission could possibly levy fines or take other adverse action against the company for collecting more than the local tax rate.

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City Attorney Richard Waddingham reported that he had reviewed the proposed grant contract for the airport improvement project. He noted that the contract requires a resolution or motion that Delta City has the legal authority to apply for the grant, and to finance and carry out the proposed project, authorizing the filing of the application, including all understandings and assurances contained therein. Council Member Glen Swalberg MOVED to direct Mayor Bunker to complete the application for a grant for the airport improvement project, stating that Delta City has the legal authority to apply for the grant and to finance and carry out the proposed project; authorizing the filing of the grant application, including all understandings and assurances contained therein, directing and authorizing Mayor Bunker to act in connection with the application and to provide such additional information as may be required. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

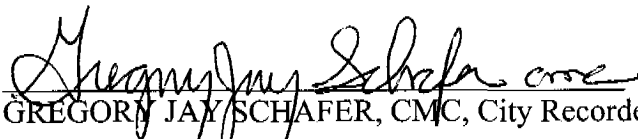
City Attorney Richard Waddingham requested that this matter be placed on the agenda for ratification at the next meeting of the City Council.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Margaret Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Robert Banks. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mayor Bunker declared the meeting adjourned at 8:14 p.m..

  
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GAYLE BUNKER, Mayor

  
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GREGORY JAY SCHAFER, CMC, City Recorder

MINUTES APPROVED: RCCM 07-15-04

